THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4636 of 2006

DATED: 13-03-2006

Between:

Ladi Mallikarjuna Rao,

S/o.Balarama Murthy …Petitioner

and

The District Collector,

Srikakulam District, Srikakulam

And another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4636 of 2006

ORDER:

Petitioner filed this writ petition seeking to declare the action of the first respondent in issuing a notification under Sec. 4(1) of the Land Acquisition Act (for short 'the Act') for acquiring the land for Vamsadhara Project, Phase-II, Stage-II in Hiramandalam village, Hira Mandal, Srikakulam District as illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioner that he is the owner of an extent of 0.85 cents in Survey No.69/2 of the vacant land in Hiramandalam village, Hiramandal, Srikakulam

District. While so, the District Collector issued notification under Section 4(1) of the Act published in A.P. Gazette in Gazette No.95, Srikakulam, dated 26-10-2005 showing the lands notified for the public purpose for construction of Vamsadhara Project, Stage-II, Phase-II. It is stated that the extent of the land belonged to the petitioner is correctly shown as 0.85 cents, but the structures existing in the land of the petitioner were not shown in the said 4(1) notification against the name of the petitioner. Prior to the date of publication of 4(1) notification, petitioner made a representation on 20-10-2005 stating about the situation of the building, but without taking into account, the said notification was issued. It is stated that after 4(1) notification and during the course of 5(A) enquiry, petitioner filed a representation dated 18-11-2005 before the second respondent objecting the action of the respondents in not noting the existence of the building and accordingly, petitioner requested to rectify the omission in not including the existing building structures, in the Survey No.69/2 in the land of the petitioner. It is stated that the award proceedings are going on and unless the petitioner's objection is not considered and disposed of, the petitioner may be deprived of his right to get the compensation and also he may not be able to seek a reference under Section 80 of the Land Acquisition Act for payment of the compensation for the structures.

In that view of the matter, I am of the opinion that when the petitioner made representations dated 20-10-2005, 18-11-2005 and 21-11-2005, it is just and proper for the respondents to consider and dispose of the same in accordance with law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 13-03-2006

Note:

Issue C.C.within two days.

(B/O)

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